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**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**PATRICIA ANN ROEDERER
P.O. Box 231
Brentwood, CA 94513**

Registered Nurse License No. 546263

RESPONDENT

Case No. 2013-315

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about October 24, 2012, Complainant Louise R. Bailey, M.Ed.,RN, in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs, filed Accusation No. 2013-315 against Patricia Ann Roederer (Respondent) before the Board of Registered Nursing. (Accusation attached as Exhibit A.)

2. On or about August 3, 1998, the Board of Registered Nursing (Board) issued Registered Nurse License No. 546263 to Respondent. The Registered Nurse License was in full force and effect at all times relevant to the charges brought herein and will expire on October 31, 2013, unless renewed.

3. On or about October 24, 2012, Respondent was served by Certified and First Class Mail copies of the Accusation No. 2013-315, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record which, pursuant to Business and Professions Code section 136 and/Title 16, California Code of Regulation, section 1409.1, is required to be reported and maintained with the Board, which was and is:

P.O. Box 231
Brentwood, CA 94513.

1 4. Service of the Accusation was effective as a matter of law under the provisions of
2 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
3 124.

4 5. On or about November 7, 2012, the signed Certified Mail Receipt was returned to our
5 office indicating a delivery date of November 2, 2012.

6 6. Business and Professions Code section 2764 states:

7 The lapsing or suspension of a license by operation of law or by order or decision of
8 the board or a court of law, or the voluntary surrender of a license by a licentiate shall not deprive
9 the board of jurisdiction to proceed with an investigation of or action or disciplinary proceeding
10 against such license, or to render a decision suspending or revoking such license.

11 7. Government Code section 11506 states, in pertinent part:

12 (c) The respondent shall be entitled to a hearing on the merits if the respondent files a
13 notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation
14 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's
15 right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

16 8. Respondent failed to file a Notice of Defense within 15 days after service of
17 the Accusation upon her, and therefore waived her right to a hearing on the merits of Accusation
18 No. 2013-315.

19 9. California Government Code section 11520 states, in pertinent part:

20 (a) If the respondent either fails to file a notice of defense or to appear at the hearing, the
21 agency may take action based upon the respondent's express admissions or upon other evidence
22 and affidavits may be used as evidence without any notice to respondent.

23 10. Pursuant to its authority under Government Code section 11520, the Board after
24 having reviewed the proof of service dated October 24, 2012, signed by Brent Farrand, finds
25 Respondent is in default. The Board will take action without further hearing and, based on
26 Accusation No. 2013-315 and the documents contained in Default Decision Investigatory
27 Evidence Packet in this matter which includes:
28

Exhibit 1: Pleadings offered for jurisdictional purposes; Accusation No. 2013-315, Statement to Respondent, Notice of Defense (two blank copies), Request for Discovery and Discovery Statutes (Government Code sections 11507.5, 11507.6 and 11507.7), proof of service; and if applicable, mail receipt or copy of returned mail envelopes;

Exhibit 2: License History Certification for Patricia Ann Roederer, Registered Nurse
License No. 546263;

Exhibit 3: Affidavits of Kevin Dutchover and Cathy Horowitz;

Exhibit 4: Certification of costs by Board for investigation and enforcement in Case No. 2013-315;

Exhibit 5: Declaration of costs by Office of the Attorney General for prosecution of Case No. 2013-315.

The Board finds that the charges and allegations in Accusation No. 2013-315 are separately and severally true and correct by clear and convincing evidence.

11. Taking official notice of Certification of Board Costs and the Declaration of Costs by the Office of the Attorney General contained in the Default Decision Investigatory Evidence Packet, pursuant to the Business and Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation and Enforcement in connection with the Accusation are \$6,689.25 as of December 27, 2012.

DETERMINATION OF ISSUES

~~1. Based on the foregoing findings of fact, Respondent Patricia Ann Roederer has~~
 subjected her following license(s) to discipline:

a. Registered Nurse License No. 546263

2. The agency has jurisdiction to adjudicate this case by default.

3. The Board of Registered Nursing is authorized to revoke Respondent's license(s)

based upon the following violations alleged in the Accusation, which are supported by the evidence contained in the Default Decision Investigatory Evidence Packet in this case.

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- a. Violation of Business and Professions Code section 2761(a) - Unprofessional Conduct.
- b. Violation of Business and Professions Code section 2761(a)(1) - Unprofessional Conduct, Gross Negligence.
- c. Violation of Business and Professions Code section 2762(a) - Obtaining or possessing controlled substances without a prescription.
- d. Violation of Business and Professions Code section 2762(e) - Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any hospital, patient, or other record pertaining to a controlled substance.

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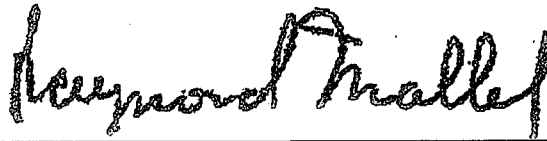
ORDER

IT IS SO ORDERED that Registered Nurse License No. 546263, heretofore issued to Respondent Patricia Ann Roederer, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on APRIL 11, 2013.

It is so ORDERED MARCH 12, 2013



Board of Registered Nursing
Department of Consumer Affairs
State of California

Attachment:

Exhibit A: Accusation No. 2013-315

Exhibit A

Accusation No. 2013-315

1 KAMALA D. HARRIS
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 CHAR SACHSON
Deputy Attorney General
4 State Bar No. 161032
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-5558
6 Facsimile: (415) 703-5480
Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. **2013-315**

11 **PATRICIA ANN ROEDERER**
12 **P.O. Box 231**
13 **Brentwood, CA 94513**

ACCUSATION

14 **Registered Nurse License No. 546263**

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs.

22 2. On or about August 3, 1998, the Board of Registered Nursing issued Registered
23 Nurse License Number 546263 to Patricia Ann Roederer (Respondent). The Registered Nurse
24 License was in full force and effect at all times relevant to the charges brought herein and will
25 expire on October 31, 2013, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board of Registered Nursing (Board),
28 Department of Consumer Affairs, under the authority of the following laws. All section

1 references are to the Business and Professions Code unless otherwise indicated.

2 4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent
3 part, that the Board may discipline any licensee, including a licensee holding a temporary or an
4 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
5 Nursing Practice Act.

6 5. Section 2761 of the Code states:

7 "The board may take disciplinary action against a certified or licensed nurse or deny an
8 application for a certificate or license for any of the following:

9 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

10 "(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing
11 functions.

12 ..."

13 6. Section 2762 of the Code states:

14 "In addition to other acts constituting unprofessional conduct within the meaning of this
15 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this
16 chapter to do any of the following:

17 "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed
18 physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or
19 administer to another, any controlled substance as defined in Division 10 (commencing with
20 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
21 defined in Section 4022.

22 "(b) Use any controlled substance as defined in Division 10 (commencing with Section
23 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
24 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
25 himself or herself, any other person, or the public or to the extent that such use impairs his or her
26 ability to conduct with safety to the public the practice authorized by his or her license.

27 "(c) Be convicted of a criminal offense involving the prescription, consumption, or
28 self-administration of any of the substances described in subdivisions (a) and (b) of this section,

1 or the possession of, or falsification of a record pertaining to, the substances described in
2 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
3 thereof.

4 "(d) Be committed or confined by a court of competent jurisdiction for intemperate use of
5 or addiction to the use of any of the substances described in subdivisions (a) and (b) of this
6 section, in which event the court order of commitment or confinement is prima facie evidence of
7 such commitment or confinement.

8 "(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any
9 hospital, patient, or other record pertaining to the substances described in subdivision (a) of this
10 section."

11 7. As used in Section 2761 of the code, "gross negligence" includes an extreme
12 departure from the standard of care which, under similar circumstances, would have ordinarily
13 been exercised by a competent registered nurse. Such an extreme departure means the repeated
14 failure to provide nursing care as required or failure to provide care or to exercise ordinary
15 precaution in a single situation which the nurse knew, or should have known, could have
16 jeopardized the client's health or life, as described in California Code of Regulations, Title 16,
17 section 1442.

18 8. As used in Section 2761 of the code, "incompetence" means the lack of possession of
19 or the failure to exercise that degree of learning, skill, care and experience ordinarily possessed
20 and exercised by a competent registered nurse as described in California Code of Regulations,
21 Title 16, section 1443.

22 9. As described in California Code of Regulations, Title 16, section 1443.5, a registered
23 nurse shall be considered to be competent when he/she consistently demonstrates the ability to
24 transfer scientific knowledge from social, biological and physical sciences in applying the nursing
25 process, as follows:

26 "(1) Formulates a nursing diagnosis through observation of the client's physical condition
27 and behavior, and through interpretation of information obtained from the client and others,
28 including the health team.

1 "(2) Formulates a care plan, in collaboration with the client, which ensures that direct and
2 indirect nursing care services provide for the client's safety, comfort, hygiene, and protection, and
3 for disease prevention and restorative measures.

4 "(3) Performs skills essential to the kind of nursing action to be taken, explains the health
5 treatment to the client and family and teaches the client and family how to care for the client's
6 health needs.

7 "(4) Delegates tasks to subordinates based on the legal scopes of practice of the
8 subordinates and on the preparation and capability needed in the tasks to be delegated, and
9 effectively supervises nursing care being given by subordinates.

10 "(5) Evaluates the effectiveness of the care plan through observation of the client's physical
11 condition and behavior, signs and symptoms of illness, and reactions to treatment and through
12 communication with the client and health team members, and modifies the plan as needed.

13 "(6) Acts as the client's advocate, as circumstances require, by initiating action to improve
14 health care or to change decisions or activities which are against the interests or wishes of the
15 client, and by giving the client the opportunity to make informed decisions about health care
16 before it is provided."

17 10. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
18 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
19 licensee or to render a decision imposing discipline on the license.

20 11. Section 118, subdivision (b), of the Code provides that the suspension of a license
21 shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period
22 within which the license may be renewed, restored, reissued or reinstated.

23 12. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
24 administrative law judge to direct a licensee found to have committed a violation or violations of
25 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
26 enforcement of the case.

27 13. Health and Safety Code section 11173(a) states, in pertinent part, that no person shall
28 obtain or attempt to obtain controlled substances, or procure or attempt to procure the

1 administration of or prescription for controlled substances by fraud, deceit, misrepresentation or
2 subterfuge.

3 DRUGS

4 12. Hydromorphone ("Dilaudid") is a Schedule II controlled substance as designated by
5 Health and Safety Code section 11055(b) and a dangerous drug as designated by Business and
6 Professions Code section 4022, used for pain relief.

7 14. Morphine is a Schedule II controlled substance as designated by Health and Safety
8 Code section 11055(b)(1)(L), and a dangerous drug as designated by Code section 4022. It is
9 used to treat moderate to severe pain.

10 FIRST CAUSE FOR DISCIPLINE

11 (FALSIFY, OR MAKE GROSSLY INCORRECT, GROSSLY INCONSISTENT, OR
12 UNINTELLIGIBLE ENTRIES IN ANY PATIENT RECORD)

13 15. Respondent is subject to disciplinary action under Code section 2762(e), in that while
14 on duty as a registered nurse at Valley Care Medical Center in Pleasanton, California, Respondent
15 falsified, made grossly incorrect, grossly inconsistent, or unintelligible entries in hospital and
16 patient records as follows:

17 Patient 1:

18 16. Patient 1's physician ordered 2 mg hydromorphone IV every two hours as needed for
19 chest pain. On November 17, 2006 at 20:57, Respondent removed 2 mg hydromorphone from the
20 hospital MedSelect¹. Respondent documented wastage of 1 mg of hydromorphone at 21:42.
21 Respondent documented administration of 1 mg of hydromorphone to Patient 1, but failed to
22 document the time of the administration. Respondent failed to administer hydromorphone per
23 physician's orders when she administered 1 mg hydromorphone rather than 2 mg as prescribed.

24 17. Patient 1's physician ordered 2 mg hydromorphone IV every two hours as needed for
25 chest pain. On November 17, 2006 at 22:45, Respondent removed 2 mg hydromorphone from the
26 hospital MedSelect. Respondent documented wastage of 1 mg of hydromorphone at 22:45.

27
28 ¹ MedSelect is a hospital computerized medication storage system.

1 Respondent documented administration of an unknown amount of hydromorphone to Patient 1 at
2 22:10 (35 minutes prior to withdrawal of the medication). Respondent failed to administer
3 hydromorphone per physician's orders when she administered 1 mg hydromorphone rather than 2
4 mg as prescribed.

5 Patient 2:

6 18. Patient 2's physician ordered morphine 3 mg IV every 20 minutes as needed for pain.
7 On November 4, 2006 at 20:03, Respondent withdrew 10 mg morphine from the hospital
8 MedSelect. Respondent documented wastage of 7 mg of morphine at 20:03, but failed to
9 document administration or wastage of the remaining 3 mg of morphine, or otherwise account for
10 its disposition.

11 SECOND CAUSE FOR DISCIPLINE

12 (GROSS NEGLIGENCE)

13 19. Respondent is subject to disciplinary action under Code section 2761(a)(1), in that
14 she was grossly negligent, as alleged above in paragraphs 16 through 18.

15 THIRD CAUSE FOR DISCIPLINE

16 (INCOMPETENCE)

17 20. Respondent is subject to disciplinary action under Code section 2761(a)(1), in that
18 she was incompetent, as alleged above in paragraphs 16 through 18.

19 FOURTH CAUSE FOR DISCIPLINE

20 (OBTAIN OR POSSESS CONTROLLED SUBSTANCE)

21 21. Respondent is subject to disciplinary action under Code section 2762(a), in that she
22 obtained and/or possessed morphine, as alleged above in paragraph 18.

23 FIFTH CAUSE FOR DISCIPLINE

24 (UNPROFESSIONAL CONDUCT)

25 22. Respondent is subject to disciplinary action under Code section 2761(a), in that she
26 acted unprofessionally, as alleged above in paragraphs 16 through 18.

27 ///

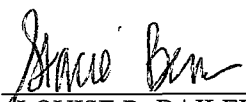
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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 546263, issued to Patricia Ann Roederer;
2. Ordering Patricia Ann Roederer to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: OCTOBER 24, 2012

for 
LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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